

IC 23-14-76

Chapter 76. Application of Corporations Laws to Cemetery Associations

IC 23-14-76-1

Application of chapter

23-14-76-1 Sec. 1. This chapter does not apply to a cemetery owned by a county or a township. However, if a cemetery owned by a county or township is sold to a private entity, the purchaser is subject to this chapter.

As added by P.L.52-1997, SEC.50.

IC 23-14-76-2

"Cemetery association" defined

23-14-76-2 Sec. 2. (a) As used in this chapter, "cemetery association" means any cemetery association, cemetery corporation, or cemetery organization that:

- (1) was established under this article before July 1, 1997; and
- (2) has not been reorganized under IC 23-1 or IC 23-17 before January 1, 1998.

(b) The term does not include a cemetery that is owned or operated by a recognized church, religious society, or denomination.

(c) The term includes the Union Chapel Cemetery Association (IC 23-14-71).

As added by P.L.52-1997, SEC.50.

IC 23-14-76-3

Application of business corporation and nonprofit corporation law

23-14-76-3 Sec. 3. Except as provided in section 4 of this chapter, after December 31, 1997:

- (1) IC 23-1 applies to a cemetery association that has issued shares of stock; and
- (2) IC 23-17 applies to a cemetery association that has not issued shares of stock.

As added by P.L.52-1997, SEC.50.

IC 23-14-76-4

Voluntary election of application of business corporation and nonprofit corporation law

23-14-76-4 Sec. 4. (a) Before January 1, 1998, a cemetery association may elect to have the provisions of IC 23-1 or IC 23-17 apply permanently to the cemetery association, irrespective of whether the cemetery association has issued shares of stock.

(b) A cemetery association electing to have IC 23-1 apply to the cemetery association may:

- (1) incorporate or reincorporate under IC 23-1; or
- (2) if the cemetery association is a corporation, comply with the following procedures:

(A) The board of directors or trustees must adopt a

resolution electing to have the provisions of IC 23-1 apply to the cemetery association.

(B) The resolution must specify a date (before January 1, 1998) after which the provisions of IC 23-1 will apply to the cemetery association.

(C) The resolution must be filed with the secretary of state before the date specified under clause (B).

(c) A cemetery association electing to have IC 23-17 apply to the cemetery association may:

(1) incorporate or reincorporate under IC 23-17; or

(2) if the cemetery association is a corporation, accept the provisions of IC 23-17 by taking the actions set forth in IC 23-17-1-1.

As added by P.L.52-1997, SEC.50.